

NOTICE OF PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)

PREAMBLE

- 1. Sections Affected** **Rulemaking Action**
R9-22-216 Amend
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: ARS § 36-2903.01 (F)
Implementing statute: ARS § 36-2907
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**
Notice of Docket Opening: 13 A.A.R. **Code Editor to fill in**, June 22, 2007
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Mariaelena Ugarte
Address: AHCCCS
Office of Legal Assistance
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4693
Fax: (602) 253-9115
E-mail: AHCCCSRules@azahcccs.gov
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**
The proposed rule is intended to clarify that personal care services are not limited to assistance with bathing and grooming.
- 6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
The Administration did not rely, review or refer to any study for purposes of this rule change.
- 7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The rule change removes terms that limit the scope of personal care services. By removing these terms the scope of this service is expanded. The change is anticipated to have a minimal economic impact to the Administration and its Contractors.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Mariaelena Ugarte
Address: AHCCCS
Office of Legal Assistance
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4693
Fax: (602) 253-9115
E-mail: AHCCCSRules@azahcccs.gov

Proposed rule language will be available on the AHCCCS website www.azahcccs.gov the week of June 11, 2007. Please send written comments to the above address by 5:00 p.m., August 6, 2007. E-mail comments will also be accepted during this timeframe.

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Date: August 6, 2007
Time: 10:30 a.m.
Location: AHCCCS
701 East Jefferson
Phoenix, AZ 85034
Nature: Public Hearing

Date: August 6, 2007
Time: 10:30 a.m.
Location: ALTCS: Arizona Long-Term Care System
110 South Church, Suite 1360
Tucson, AZ 85701
Nature: Public Hearing

Date: August 6, 2007
Time: 10:30 a.m.
Location: ALTCS: Arizona Long-Term Care System
3480 East Route 66
Flagstaff, AZ 86004
Nature: Public Hearing

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 9. HEALTH SERVICES
CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
ADMINISTRATION

ARTICLE 2. SCOPE OF SERVICES

Section

R9-22-216. NF, Alternative HCBS Setting, or HCBS

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM

ADMINISTRATION

ARTICLE 2. SCOPE OF SERVICES

R9-22-216. NF, Alternative HCBS Setting, or HCBS

- A. Services provided in a NF, alternative HCBS setting as defined in R9-28-101, or HCBS as defined in R9-28-101 are covered for a maximum of 90 days per contract year if the member's medical condition would otherwise require hospitalization.
- B. Except as otherwise provided in 9 A.A.C. 28, the following services are not itemized for separate billing if provided in a NF, alternative HCBS setting, or HCBS:
1. Nursing services including:
 - a. Administering medication,
 - b. Tube feedings,
 - c. Personal care service (~~assistance with bathing and grooming~~),
 - d. Routine testing of vital signs, and
 - e. Maintenance of catheter;
 2. Basic patient care equipment and sickroom supplies including:
 - a. First aid supplies such as bandages, tape, ointments, peroxide, alcohol, and over-the-counter remedies;
 - b. Bathing and grooming supplies;
 - c. Identification device;
 - d. Skin lotion;
 - e. Medication cup;
 - f. Alcohol wipes, cotton balls, and cotton rolls;
 - g. Rubber gloves (non-sterile);
 - h. Laxatives;
 - i. Bed and accessories;

- j. Thermometer;
 - k. Ice bags;
 - l. Rubber sheeting;
 - m. Passive restraints;
 - n. Glycerin swabs;
 - o. Facial tissue;
 - p. Enemas;
 - q. Heating pad;
 - r. Diapers; and
 - s. Alcoholic beverages;
- 3. Dietary services including preparation and administration of special diets, and adaptive tools for eating;
 - 4. Any service that is included in a NF's room and board charge or a service that is required of the NF to meet a federal, state licensure standard, or county certification requirement;
 - 5. Physician visits made solely for the purpose of meeting state licensure standards or county certification requirements;
 - 6. Physical therapy prescribed only as a maintenance regimen; and
 - 7. Assistive devices or non-customized durable medical equipment.
- C. A provider shall obtain prior authorization from the Administration for a NF admission for a FFS member.